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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 05/20/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/624,253

Applicant(s)

MORIYA ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 9-18 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DOV POPOVICI
SUPERVISORY PATENT EXAMINER
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Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 23-February-2004, independent claims 19-20, and dependent claim 5 are amended per applicants' request. Claims 1 and 2-20 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 6, 11-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al (U.S. Patent No. 6,269,379) in view of Abecassis (U.S Patent No. 6,504,990.)

As to claim 1, Hiyama et al teaches an image retrieving (see column 10, lines 26-28) and delivering server for delivering image data (see column 3, lines 60-61), comprising:

a data base for registering an image (see column 1, lines 11-16) including a static picture (see column 1, lines 11-16, where "static picture" is read on "medical image") with a feature descriptor or a plurality of feature descriptors of the image (see column 6, lines 24-27, where "image descriptor or a plurality of image descriptors" is read on "image data".)

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image retrieving means for retrieving the feature descriptor or the feature descriptors registered in the data base according to a retrieval condition input by users and obtaining a retrieval result satisfying the retrieval condition (see column 6, lines 59-65); and

contents additional service means for editing (see column 12, lines 14-20) and processing (see column 12, lines 55-59) the retrieval result according to a delivery condition obtained from the user terminal in order to deliver the retrieval result (see column 12, lines 45-54.)

Hiyama et al does not teach:

the system including a moving picture;

various types of users and various types of user terminals; and

wherein each of the user terminals has a processing capability according to the type of user terminal, and wherein the delivery condition specifies the processing capability of each user terminal.

Abecassis teaches a method and system for playing video segments (see Abstract), in which he teaches:

the system including a moving picture (see column 56, lines 18-33);

various types of users and various types of user terminals (see column 13, lines 33-52, column 14, lines 21-29, column 18, lines 50-60, and see column 29, line 62 through column 30, line 3); and

wherein each of the user terminals has a processing capability according to the type of user terminal (see column 8, line 13 through column 9, line 13), and wherein the delivery condition specifies the processing capability of each user terminal (see column 14, line 65 through column 15, line 11; see column 62, lines 21-27; and see column 78, lines 22-35.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include the system including a moving picture; various types of users and various types of user terminals; and wherein each of the user terminals has a processing capability according to the type of user terminal, and wherein the delivery condition specifies the processing capability of each user terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al by the teaching of Abecassis, because the system including a moving picture would enable the system to capture (store), retrieve, edit, and process moving images from a video unit as well as still images; and because various types of users and various types of user terminals; and wherein each of the user terminals has a processing capability according to the type of user terminal, and wherein the delivery condition specifies the processing capability of each user terminal, would allow the image or the streaming data to be formatted according to the resolution and other formatting properties supported by the various devices/terminals used by different users.

As to claim 3, Hiyama et al as modified teaches wherein the contents additional service means produces data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to the delivery condition specified by the user and transmits the data to the user terminal before the transmission of the retrieval result (see Hiyama et al, column 11, lines 19-39.)

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As to claim 6, Hiyama et al as modified teaches wherein the contents additional service means transmits the retrieval result, which is not edited or processed, to another terminal specified by the user in advance when the retrieval result is edited and processed according to the terminal information of the user terminal (see Hiyama et al, column 3, line 66 through column 4, line 11.)

As to claim 11, the applicant is kindly directed to the remarks and discussions made in claim 1 above.

As to claim 12, Hiyama et al as modified teaches wherein the contents additional service step includes a step of obtaining terminal information (see Hiyama et al, column 4, lines 20-27) of the user terminal as the delivery condition (see Hiyama et al, column 13, line 66 through column 14, line 2.)

As to claim 13, Hiyama et al as modified teaches wherein the contents additional service step includes a step of producing data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to the delivery condition specified by the user and a step of transmitting the data to the user terminal before the transmission of the retrieval result (see Hiyama et al, column 11, lines 19-39.)

As to claim 16, Hiyama et al as modified teaches wherein the contents additional service step includes a step of transmitting the retrieval result, which is not edited or processed, to

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another terminal specified by the user in advance when the retrieval result is edited and processed according to the terminal information of the user terminal (see Hiyama et al, column 3, line 66 through column 4, line 11.)

4. Claims 4-5 and 9-10, 14-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiyama et al (U.S. Patent No. 6,269,379) in view of Abecassis (U.S Patent No. 6,504,990) as applied to claims 1, 3, 6, 11-13, and 16 above, and further in view of Vaithilingam et al (U.S. Patent No. 6,411,724.)

As to claim 4, Hiyama et al as modified still does not teach the system further comprising:

contents description meta-data producing means for extracting a feature degree of each of a plurality of input images and format information of the input image and producing a feature descriptor or a plurality of feature descriptors of each input image; and

data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base.

Vaithilingam et al, teaches multimedia information representation (see Abstract), in which he teaches:

contents description meta-data producing means (see column 4, line 66 through column 5, line 4) for extracting a feature degree of each of a plurality of input images (see column 12, lines 15-23) and format information of the input image and producing a feature descriptor

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or a plurality of feature descriptors of each input image (see column 12, line 66 through column 13, line 4); and

data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base (see column 7, lines 38-56, where “registering” is read on “storage”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, to include the system further comprising: contents description meta-data producing means for extracting a feature degree of each of a plurality of input images and format information of the input image and producing a feature descriptor or a plurality of feature descriptors of each input image; and data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the teachings of Vaithilingam et al, because contents description meta-data producing means for extracting a feature degree of each of a plurality of input images and format information of the input image and producing a feature descriptor or a plurality of feature descriptors of each input image; and data storing unit for registering the feature descriptor or the feature descriptors produced by the contents description meta-data producing means and the input image relating to the feature descriptor or the feature descriptors in the data base, would enable the system

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to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 5, Hiyama et al as modified teaches wherein the contents additional service means comprises:

converting means for converting an image format and an output format in the image of the retrieval result into those suitable for the terminal information of the user terminal (see Hiyama et al, column 3, line 50 through column 4, line 11); and

replacing means for replacing the retrieval result not suitable for the terminal information with substitutive data suitable for the terminal information (see Hiyama et al, column 12, lines 45-64.)

Hiyama et al as modified still does not teach filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

Vaithilingam et al, in another embodiment of his invention, teaches filtering means for performing no transmission of the retrieval result which does not suit the terminal information (see column 13, line 65 through column 14, line 7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, to include filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teaching of

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Vaithilingam et al, because filtering means for performing no transmission of the retrieval result which does not suit the terminal information, would result in a more accurate and precise retrieval of the desired image by specifically searching for the desired descriptor satisfying the image.

As to claim 9, Hiyama et al as modified teaches wherein the contents additional service means produces the data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to copyright information and/or a distribution condition of the image of the retrieval result (see Vaithilingam et al, column 12, lines 43-50.)

As to claim 10, Hiyama et al teaches an image retrieving and delivering system (see column 10, lines 26-28), comprising:

a data base for registering an image (see column 1, lines 11-16) including a static picture (see column 1, lines 11-16, where “static picture” is read on “medical image”) with a feature descriptor or a plurality of feature descriptors of the image (see column 6, lines 24-27, where “image descriptor or a plurality of image descriptors” is read on “image data”).

image retrieving means for retrieving the feature descriptor or the feature descriptors according to a retrieval condition input by a user and obtaining a retrieval result satisfying the retrieval condition (see column 6, lines 59-65);

output control means for transmitting the feature descriptor or the feature descriptors relating to the retrieval result to a user terminal prior to the retrieval result (see column 4, lines 20-67); and

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contents description meta-data analyzing means, arranged in the user terminal, for analyzing the feature descriptor or the feature descriptors transmitted from the output control means and determining whether or not the retrieval result is to be received (see column 8, lines 44-59, where “analyzing” is read on “the result of determination”); and

a transmitter for transmitting, in case where the retrieval result is to be received, the retrieval result (see column 3, line 66 through column 4, line 11, and see column 4, lines 52-67) in response to a transmission request (see column 5, lines 43-64.)

Hiyama et al does not teach the system including a moving picture,

Abecassis teaches a method and system for playing video segments (see Abstract), in which he teaches: a moving picture (see column 56, lines 18-33);

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al to include a moving picture.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al by the teaching of Abecassis, because including a moving picture would enable the system to capture (store), retrieve, edit, and process moving images from a video unit as well as still images.

Hiyama et al as modified still does not teach registering the feature descriptor or the feature descriptors in the data base.

Vaithilingam et al teaches a multi-media information retrieval system using meta descriptors (see Abstract), in which he teaches registering the feature descriptor or the feature descriptors in the data base (see column 7, lines 38-56, where “registering” is read on “storage”.)

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, to include registering the feature descriptor or the feature descriptors in the data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the teaching of Vaithilingam et al, because registering the feature descriptor or the feature descriptors in the data base would enable the system to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 14, Hiyama et al as modified does not teach the method further comprising:
a contents description meta-data producing step of extracting a feature degree of the image and format information of the image when the image is input and producing the feature descriptor or the feature descriptors; and

a data storing step of registering the feature descriptor or the feature descriptors produced in the contents description meta-data producing step and the input image in the data base.

Vaithilingam et al, in another embodiment of his invention, teaches:

a contents description meta-data producing step (see column 4, line 66 through column 5, line 4) of extracting a feature degree of the image (see column 12, lines 15-23) and format information of the image when the image is input and producing the feature descriptor or the feature descriptors (see column 12, line 66 through column 13, line 4); and

a data storing step of registering the feature descriptor or the feature descriptors produced in the contents description meta-data producing step and the input image in the data base (see column 7, lines 38-56, where “registering” is read on “storage”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, to include the system further comprising: a contents description meta-data producing step of extracting a feature degree of the image and format information of the image when the image is input and producing the feature descriptor or the feature descriptors; and a data storing step of registering the feature descriptor or feature descriptors produced in the contents description meta-data producing step and the input image in the data base.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teachings of Vaithilingam et al, because a contents description meta-data producing step of extracting a feature degree of the image and format information of the image when the image is input and producing the feature descriptor or the feature descriptors; and a data storing step of registering the feature descriptor or the feature descriptors produced in the contents description meta-data producing step and the input image in the data base would enable the system to capture the image related data (description information) along with the images after images are processed and edited.

As to claim 15, Hiyama et al as modified teaches wherein the contents additional service step includes at least one of a converting step of converting an image format and an output

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format in the image of the retrieval result into those suitable for the terminal information of the user terminal (see Hiyama et al, column 3, line 50 through column 4, line 11), and a replacing step of replacing the retrieval result not suitable for the terminal information with substitutive data suitable for the terminal information (see Hiyama et al, column 12, lines 45-64.)

Hiyama et al as modified still does not teach filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

Vaithilingam et al, in another embodiment of his invention teaches filtering means for performing no transmission of the retrieval result which does not suit the terminal information (see column 13, line 65 through column 14, line 7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, to include filtering means for performing no transmission of the retrieval result which does not suit the terminal information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hiyama et al as modified, by the further teaching of Vaithilingam et al, because filtering means for performing no transmission of the retrieval result which does not suit the terminal information, would result in a more accurate and precise retrieval of the desired image by specifically searching for the desired descriptor satisfying the image.

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As to claim 17, Hiyama et al as modified teaches wherein the contents additional service step includes a step of producing the data, which relates to the retrieval result and of which the reception in the user terminal is possible, according to copyright information and/or a distribution condition of the image of the retrieval result (see Vaithilingam et al, column 12, lines 43-50.)

As to claim 18, the applicant is kindly directed to remarks and discussions made in claim 10 above.

Allowable Subject Matter

5. Claims 19-20 are allowed over the prior art made of record.
6. The following is a statement of reasons for allowance:

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the contents additional service means further comprises:

a plurality of editing means for respectively editing and processing the retrieval result not suitable for the terminal information of the user terminal, and the plurality of editing means are properly selectable in one of an image retrieval requiring side, an image retrieval

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performing side and a contents providing side on which the images are registered in the data base, as claimed in claim 19.

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the image format includes at least one of a coding method of the image of the retrieval result, a bit rate, a frame rate, a resolution degree, and a file size, as claimed in claim 20.

7. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the contents additional service means comprises a plurality of editing means for respectively editing and processing the retrieval result not suitable for the terminal information of the user terminal, and the plurality of editing means are properly selectable in

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one of an image retrieval requiring side, an image retrieval performing side and a contents providing side on which the images are registered in the data base, as claimed in claim 7.

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the image format includes at least one of a coding method of the image of the retrieval result, a bit rate, a frame rate, a resolution degree and a file size, as claimed in claim 8.

Response to Arguments

9. Applicant's arguments filed on 23-February-2004 with respect to the rejected claims in view of the cited references have been fully considered but they are not deemed persuasive:

In response to applicants' arguments, regarding claims 1 and 11, that "applicants once again note that Hiyama et al. provides absolutely no teaching that various/different types of conference units, e.g., user terminals, are connected to the network. Therefore, there is absolutely no motivation to combine Hiyama et al. with Abecassis", the arguments have been fully considered but are not deemed persuasive, because while the rejected claims recite "various types of user terminals", "connection" of these terminals "to the network" is not recited in the rejected claim. In fact, the term "network" does not appear in any of the rejected claims. Although the claims are interpreted in light of the specification, limitations

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from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicants' arguments that "combining prior art references without evidence of a suggestion, teaching or motivation simply takes the inventors' disclosure as a blueprint for piecing together the prior art", and that "applicants respectfully submit that the examiner has used nothing more than hindsight in order to combine Hiyama et al. and Abecassis", the arguments have been fully considered but are not deemed persuasive, because it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to amendment made to dependent claim 5, as stated in the remarks and discussions made for claim 5 above, the recitations of "converting means" and "replacing means" are taught by Hiyama et al (see column 3, line 50 through column 4, line 11, where "converting means" is taught, and see column 12, lines 45-64, where "replacing means" is taught), and "filtering means" is taught by Vaithilingam et al (see column 13, line 65 through column 14, line 7.)

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

May 7, 2004


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